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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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| 25/537,786 | 04/08/98 | BORSETH | J MS1-240US |

WM21/1228

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EXAMINER

TRAN, H

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2611 | 5 |

DATE MAILED: 12/28/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



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09/057,786 04/08/98 BORSETH

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WM02/1109

EXAMINER

TRAN, H

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 11/09/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/057,786

Applicant(s)

BORSETH, JAY ALAN

Examiner

Hai Tran

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) ____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 4, 5, 6, 8, 10 - 12, 32, 33, 35 - 38, 40 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Kohashi (EP 0 723367 A2).

Regarding claims 1 and 5, Kohashi discloses a television tuner comprising:

A country table listing a plurality of countries (Fig.8).

Multiple channel-to-frequency mapping tables correlating channel numbers to corresponding frequencies for associated countries in the country table (fig.11C), the channel-to-frequency mapping tables being indexed by the country table so that selection of a country in the country table references an associated channel-to-frequency mapping table for the selected country (Fig. 2C and 12; Col.8, lines 20-55+).

A tuning device (Fig.1, element 2) to tune to a particular frequency within the channel-to-frequency mapping table associated with the selected country upon selection of corresponding channel (Col.4, lines 5-20).

Regarding claims 2 and 6 Kohashi further discloses wherein the country table lists the countries according to a uniquely assigned country code (Fig.2C).

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Regarding claims 4 and 8; Kohashi further discloses wherein the channel-to-frequency mapping tables also contain a television standard for the associated countries (Fig.2C, Col.10, lines 26-40).

Regarding claim 10, Kohashi further discloses a television-tuning component (Fig.1, element 2).

Regarding claim 11, Kohashi further discloses a tuner, comprising:

Tuner circuitry to tune to various television frequencies carrying television video signals (Fig.1, elements 2, 5 and 6);

A tuner module coupled to adjust the tuner circuitry to scan multiple channels within a particular locale for corresponding tuning frequencies (Col.9, lines 44-Col.10, line 43), the tuner module storing the tuning frequencies for a particular locale (Col.8, lines 20-55+).

Regarding claim 12, Kohashi further discloses

Upon transporting the tuner to a new locale, the tuner module scans multiple channels within the new local for corresponding tuning frequencies (Col.10, lines 25-42).

Upon transporting the tuner back to a particular locale, the tuner retrieves the stored tuning frequencies to restore operation in the particular locale (Col.5, lines 2-26).

Regarding method claim 32, see analysis of apparatus claims 1 and 5.

Regarding method claim 33, see analysis of apparatus claim 2.

Regarding method claim 35, see analysis of apparatus claim 4.

Regarding method claim 36, Kohashi further discloses the step of scanning for a better quality frequency within the channel (Col.15, lines 53 – Col.16, lines 36).

Regarding method claim 37, see analysis of apparatus claims 1 and 5.

Regarding method claim 38, see apparatus claim 4.

Regarding method claim 40, see analysis of claims 11 and 12.

Regarding claim 41 see analysis of claim 36.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3, 7, 27 - 30 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Kohashi (EP 0 723367 A2). (ITU)

Regarding claims 3 and 7, Kohashi discloses a country table list country (Fig. 2C and 12; Col.8, lines 20-55+), but fails to specifically disclose country table lists according to ITU code.

Official Notice is taken that the ITU standard provides a table to identify each country used in the transmission/communication to identify each country, as is well known to those skilled in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the ITU standard designation codes considered a design choice to conform to a developed and utilized standard such as the ITU, providing the designations for each country so that upon decoding of the codes associated with the channels associated with the countries, merely or based on the knowledge of conforming to the ITU designations/standard.

Regarding claim 27 (ITU), in combination with claims 3 and 7, Kohashi further discloses methods for performing the following functions (see Col.5, lines 2-14, Col.9, line 1 - Col.11, lines 10 and Fig.1-8):

Retrieving all analog video TV standards supported by the tuning system (Col.8, lines 40-43, "table in memory 9 in which corresponding countries and preferential orders of formats, to be searched"; therefore, extracted and compared with embedded channel data).

Retrieving a current analog video TV standard in use (Col.7, lines 51-55, which is based on the compared embedded data of the channel).

Setting a current TV channel (Col.9, lines 33-43).

Retrieving the current TV channel (Col.9, lines 45-50).

Retrieving highest and lowest channels available (Fig.3, element S8; Col.11, lines 17-26 and Fig.9).

Scanning for a precise signal on the current TV channel's frequency (Fig.4, 5, 6 and 12 and Col.13, line 45 – Col.15, line 53).

Setting a country code, retrieving the country code (Col.13, lines 50-54).

Setting a storage index for regional channel to frequency mappings (Fig.2a, b, c, d, e, 11c-d, 14) (Fig.17, element 13 and 17; Fig.20a-b).

Retrieving the storage index (Fig.16, element S94).

Retrieving a number of TV sources plugged into the tuning system (sources are met in view of different channels on different frequencies, associated with different broadcasting stations, which may be from different countries, as disclosed).

Setting and retrieving a type of tuning system (detection and setting by retrieving of a video decoding format standard, associated with different countries, such as PAL, NTSC, Secam etc. in order to decode the received TV signal, see col. 8, lines 40-52).

Retrieving a current video frequency (met by the tuner); and

Retrieving a current audio frequency (met in view of de-multiplexing the audio component, in the received TV signal having video and audio to an output means "speaker").

Regarding claims 28 and 29, see analysis of claim 7 in combination of claim 8.

Regarding claim 30, Kohashi further discloses the step of storing the selected set of TV channel-to-TV frequency mapping (Fig.4, element S13; Col.8, lines 32-56).

Regarding method claim 34, see analysis of apparatus claim 3.

3. Claims 9, 13, 15, 16, 18, 19, 20, 22, 23, 24, 39 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohashi (EP 0 723367 A2) in view of Yazolino et al. (US 5355162). (DLL)

Regarding claims 9, 15, 16 and 24 Kohashi does not specifically disclose embodied in software stored on a computer-readable storage medium.

Yazolino discloses embodied in software stored on a computer-readable storage medium (Fig.3, elements 212 and 150; Col.12, table 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kohashi system by implementing "control software" as taught by Yazolino in order to take the advantage of the processing power of the CPU to generate more than one control signal to specify the signal format of the currently selected channel (see Yazolino, Col.19, lines 30-40).

Neither Kohashi nor Yazolino specifically disclose embodied in software as a dynamic linked library (DLL).

Official Notice is taken that software written, as DLL file is well known in the computer art under Microsoft Windows environment. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kohashi by developing software as DLL file so that the DLL file does not

consume memory until it is used, and because DLL is a separate file, a programmer can make corrections or improvements to only that module without affecting the operation of the calling program or any other DLL files.

Regarding claim 13, in combination with claims 5, 6, 8, 9, 10 11, and 12; Kohashi further discloses a television tuning system comprising:

A tuner circuitry to tune to various television frequencies carrying television video signals (Fig.1, element 2)

A video decoder circuitry coupled to receive a television video signal from the tuner circuitry and to convert the television video signal to digital video data (Fig.1, elements 3, 5,15).

A tuner module coupled to adjust the tuner circuitry to a particular television frequency (Fig.1, elements 2, 3, 6, 7, 8, 9, 10, 11).

A video decoder module to decode the digital video data according to a particular video standard (Fig.1, elements 15 and 16).

Regarding claim 18, see analysis of claims 2 and 4.

Regarding claim 19, see analysis of claim13.

Regarding claim 20, see analysis of claim 2.

Regarding claim 22, see analysis of claim 4.

Regarding claim 23, Kohashi further discloses a code segment to store of broadcast frequencies that map to corresponding channels within the particular country for subsequent retrieval (Fig.2C and 11C).

Regarding claims 39 and 42, see analysis of claim 9.

4. Claim 31 rejected under 35 U.S.C. 103(a) as being unpatentable over Kohashi (EP 0 723367 A2) in view of Yazolino et al. (US 5355162). (K + ITU + Y + DLL)

Regarding method claim 31, see analysis of claim 9.

5. Claims 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohashi (EP 0 723367 A2) in view of Yazolino et al. (US 5355162). (K + Y + DLL + ITU)

Regarding claims 14 and 21, Kohashi discloses a country table list country (Fig. 2C and 12; Col.8, lines 20-55+).

Neither Kohashi nor Yazolino fails to specifically disclose country table lists according to ITU code.

Official Notice is taken that the ITU standard provides a table to identify each country used in the transmission/communication to identify each country, as is well known to those skilled in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the ITU standard designation codes considered a design choice to conform to a developed and utilized standard such as the ITU, providing the designations for each country so that upon decoding of the codes associated with the channels associated with the countries, merely or based on the knowledge of conforming to the ITU designations/standard.

6. Claims 17, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohashi (EP 0 723367 A2) in view of Yazolino et al. (US 5355162). **(K +Y + DLL + API)**

Regarding claims 17 and 25, Neither Kohashi nor Yazolino specifically discloses that the software supports API.

Official Notice is taken that API is well known in the computer art under Microsoft Windows environment. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kohashi in combination with Yazolino by using API so that the Kohashi and Yazolino's application software could use those set of routine (API) to direct the performance of procedures by the computer OS.

Regarding claim 26, in combination with claim 17, Kohashi further discloses methods for performing the following functions (see Col.5, lines 2-14, Col.9, line 1 - Col.11, lines 10 and Fig.1-8):

Setting a current TV channel (Col.9, lines 33-43).

Retrieving the current TV channel (Col.9, lines 45-50).

Setting the country code (Col.13, lines 50-54).

Setting a storage index for regional channel to frequency mappings (Fig.2a, b, c, d, e, 11c-d, 14) (Fig.17, element 13 and 17; Fig.20a-b); and

Retrieving the storage index (Fig.16, element S94).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nishigaki, Tetsuo (EP 0 725 542 A2) shows a television device.

Roth Raimund (DE 3634246 A1) shows a tuning system, particularly for video generators and television receivers.

Yoshida (US 5363142) shows a method for changing microcomputer specifications installed in TV sets for the purpose of using the TV sets in different foreign destinations.

Contact Fax Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or Faxed to:

(703) 308-9051, (for formal communication intended for entry)

or:

(703) 308-5399, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


Contact Information

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (703) 308-7372. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5399.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

HT:ht
11/5/00


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

ATTACHMENT TO AND MODIFICATION OF
NOTICE OF ALLOWABILITY (PTO-37)

(November, 2000)

NO EXTENSIONS OF TIME ARE PERMITTED TO FILE CORRECTED OR FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION, notwithstanding any indication to the contrary in the attached Notice of Allowability (PTO-37).

If the following language appears on the attached Notice of Allowability, the portion lined through below is of no force and effect and is to be ignored¹:

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to comply will result in ABANDONMENT of this application. ~~Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).~~

Similar language appearing in any attachments to the Notice of Allowability, such as in an Examiner's Amendment/Comment or in a Notice of Draftperson's Patent Drawing Review, PTO-948, is also to be ignored.

¹ The language which is crossed out is contrary to amended 37 CFR 1.85(c) and 1.136. See "Changes to Implement the Patent Business Goals", 65 Fed. Reg. 54603, 54629, 54641, 54670, 54674 (September 8, 2000), 1238 Off. Gaz. Pat. Office 77, 99, 110, 135, 139 (September 19, 2000).